

10-25-06

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3672



PATENT

Application # 10/519,637

Attorney Docket # 1030-018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Tyler, Rodney  
Application # : 10/519,637  
Confirmation # : 9141  
Filed : 28 December 2004  
Application Title : Containment Systems, Methods, and Devices  
Art Unit # : 3673  
Latest Examiner : Safavi, Michael

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Mail Stop Amendment  
Commissioner for Patents  
United States Patent and Trademark Office (USPTO)  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97, and 1.98, the attention of the USPTO is hereby directed to the attached listing of documents and/or the attached Declaration. For each document listed under "Foreign Patent Documents" or "Non Patent Literature Documents", one copy of that document is attached.

It is respectfully requested that the listed documents:

- (1) be expressly considered during the prosecution of this application;
- (2) be made of record therein; and
- (3) appear among the "References Cited" on any patent to issue therefrom.

Although the information submitted herewith might be "material" to the USPTO's consideration of this application, this submission is not intended to be an admission that such

information qualifies as “prior art” as to any claimed subject matter. The filing of this Information Disclosure Statement is not to be construed to mean that a search has been made.

The following marked paragraphs are applicable in this IDS:

**Timing of this IDS:**

- ☒ **A.** This IDS is being filed per 37 CFR 1.97(b)
- ☐ (1): within 3 months of the U.S. filing date other than a CPA under 1.53(d);
  - ☐ (2): within 3 months of the date of entry of the national stage as set forth in 1.491 in an international application;
  - ☒ (3): before the mailing date of a first Office Action on the merits; **OR**
  - ☐ (4): before the mailing date of a first Office Action associated with a request for continued examination (RCE) under 1.114;

**AND**, thus, no certification or fee is required.

- ☐ **B.** This IDS is being filed per 37 CFR 1.97(c), **AFTER** the period specified in 37 CFR 1.97(b) [section A of this IDS], and **BEFORE**:
- (a) the mailing date of any Final Action under 1.113,
  - (b) a Notice of Allowance under 1.311, **OR**
  - (c) an action that otherwise closes prosecution,

**AND**, per 37 CFR 1.97(e), I hereby certify that:

- ☐ (1) each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this IDS ; **OR**
- ☐ (2) no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge

after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than 3 months prior to the filing of this IDS;

**OR**, per 37 CFR 1.97(c), this IDS is accompanied by:

- ☐ (3) payment of the fee under 37 CFR 1.17(p) to ensure consideration of the disclosed information.

- ☐ C. This IDS is being filed per 37 CFR 1.97(d), AFTER the period specified in 37 CFR 1.97(c) [section **B** of this IDS], and ON or BEFORE the payment of the Issue Fee;

**AND**, per 37 CFR 1.97(e), I hereby certify that:

- ☐ (1) each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this IDS; **OR**
- ☐ (2) no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than 3 months prior to the filing of this IDS;

**AND**, per 37 CFR 1.97(d), this IDS is accompanied by:

- ☐ (3) payment of the fee under 37 CFR 1.17(p) to ensure consideration of the disclosed information.

**Legible Copies of Listed References:**

- ☒ D. In addition to the attached listing, accompanying this IDS is a legible copy of each listed:

- (1) foreign patent document;  
(2) pending unpublished U.S. application OR that portion of the application that caused it to be listed including any claims directed to that portion; **AND**  
(3) non-patent document or that portion thereof that caused it to be listed;

**PATENT**

**Application # 10/519,637**

**Attorney Docket # 1030-018**

(4) other information or that portion that caused it to be listed.

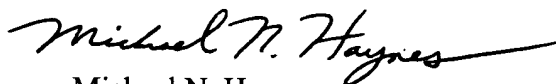
- ☐ E. Consistent with 37 CFR 1.98(d), because the IDS submitted in parent U.S. Patent Application No. \_\_\_\_, to which this application claims priority per 35 U.S.C. 120, complies with 37 CFR 1.98(a) to (c), copies of the patent documents, non-patent documents, pending U.S. application, and other information submitted in that parent application do not accompany this IDS.

**CONCLUSION**

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

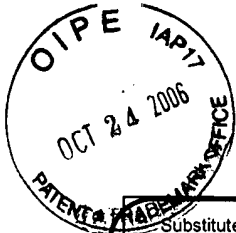
Michael Haynes PLC



Michael N. Haynes  
Registration No. 40,014

Date: 22 September 2006

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Keswick, VA 22947  
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Facsimile: 815-550-8850



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application Number	10/519,637
Filing Date	12/28/2004
First Named Inventor	Tyler, Rod
Group Art Unit	3673
Examiner Name	Not Yet Assigned
Attorney Docket Number	1030-018

(use as many sheets as necessary)

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**PUBLISHED U.S. PATENT DOCUMENTS**

Examiner Initials	Application or Patent Number	Name of Applicant or Patentee	Date of Publication
	2,201,279	Willing	21 May 1940
	2,842,297	Friedman	8 July 1958
	2,842,897	Finn	15 July 1958
	2002/0146394	Stamets	10 October 2002
	3,617,566	Oshima	2 November 1971
	3,979,146	Berg	7 September 1976
	5,015,123	Houk	14 May 1991
	5,030,031	Brown	9 July 1991
	5,310,288	Huang	10 May 1994
	5,405,217	Dias	11 April 1995
	5,519,985	Dyck	28 May 1996
	5,595,458	Grabhorn	21 January 1997
	5,605,416	Roach	25 February 1997
	5,658,096	Von Kanel	19 August 1997
	5,678,954	Bestmann	21 October 1997
	5,679,247	Burke	21 October 1997
	5,747,633	Ito	5 May 1998
	5,854,304	Garcia	29 December 1998

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	10/519,637
		Filing Date	12/28/2004
		First Named Inventor	Tyler, Rod
		Group Art Unit	3673
		Examiner Name	Not Yet Assigned
(use as many sheets as necessary)		Attorney Docket Number	1030-018
Sheet	2	of	3

PUBLISHED U.S. PATENT DOCUMENTS			
Examiner Initials	Application or Patent Number	Name of Applicant or Patentee	Date of Publication
	6,085,810	Castillo	11 July 2000
	6,109,835	Grabhorn	29 August 2000

NON-PATENT DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Albright Seed Company, "Construction Site Erosion Costly, Illegal", 1 January 1997, 3 pages, Streamline Publications, US.
	Bentjen, "Bioremediation and Phytoremediation Glossary", [http://members.tripod.com/~bioremediation/], 1 January 1998, 8 pages.
	California Integrated Waste Management Board, "Erosion Control", [http://www.ciwmb.ca.gov/Organics/Erosion/], 1 January 2001, California Integrated Waste Management Board, 2 pages.
	Glass, "U.S. and International Markets for Phytoremediation, 1999-2000", [http://www.channel1.com/dglassassoc/INFO/phy99exc.htm], 1 January 1999, 7 pages, D. Glass Associates, Inc.
	Huffman, "Phytoremediation", [http://www.woodrow.org/teachers/bi/1998/bioremediation/], 1 January 1998, 6 pages, WWLPT Biology Institute.
	Keating, "Compost Coverage", 1 May 2001, pages 30-35, Erosion Control.
	Keating, "Seeding: Success is all in the Techniques", 1 January 2002, pages 46 and 48-52, Erosion Control.
	Land and Water, "Land and Water", 1 March 2002, 72 pages, Land and Water, Fort Dodge, IA, US.

Examiner Signature		Date Considered	
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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449-PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Application Number	10/519,637
Filing Date	12/28/2004
First Named Inventor	Tyler, Rod
Group Art Unit	3673
Examiner Name	Not Yet Assigned
Attorney Docket Number	1030-018

(use as many sheets as necessary)

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Lenhart, "The Stormwater Management StormFilter", 1 January 1997, pages 252-258, Stormwater Management™, US.

Missouri Botanical Garden, "Phytoremediation",  
[http://www.mobot.org/jwcross/phytoremediation/phytorem\_reviews.htm], 1 January 2001,  
4 pages, Missouri Botanical Garden

Rock, "Phytoremediation", Seminar Series on Bioremediation of Hazardous Waste Sites:  
Practical Approaches to Implementation, 1 January 1998, 8-1 - 8-9.

Tyler, "Compost's Next Wave", 1 May 2002, page 34, Waste Age.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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## CERTIFICATE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV 866635880 US

Date of Deposit: 24 October 2006

Pursuant to 37 C.F.R. § 1.10, I certify that I am personally depositing the following paper(s) or fee(s) with the "Express Mail Post Office to Addressee" service of the United States Postal Service on the above date in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Stamped, self-addressed postcard for USPTO receipt stamp (1 card)  
Information Disclosure Statement (4 sheets)  
Form PTO-1449 (3 sheets)  
12 Non-Patent Literature documents (131 sheets)

Application Number 10/519,637  
Confirmation No.: 9141  
Filing Date: 28 December 2004  
Document Submission Date: 24 October 2006

Art Unit: 3673  
Examiner: Not Yet Assigned  
Inventor: Tyler, Rod  
Docket: 1030-018

24 Oct 2006

Date

Eden Brown

Name of Certifier

*Eden Brown*

Signature of Certifier